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### REMARKS

Entry of this Amendment is proper under 37 CFR §1.116, since no new claims or issues are raised herein and issues for appeal are reduced.

Claims 3-6, 8-11, and 17 are all of the claims presently pending in the application. Claims 1, 2, 7, 12-16, and 18-21 are canceled. All pending claims stand rejected on prior art grounds.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Regarding the prior art rejection, claims 4-11 stand rejected under 35 U.S.C. §102(e) as anticipated by US Patent 6,385,636 to Suzuki et al. Claims 1-3 and 12-21 stand rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki, further in view of US Patent 6,112,243 to Downs et al.

#### **I. THE CLAIMED INVENTION**

Applicant's invention, as disclosed and claimed in, for example, independent claim 4, is directed to a distributed processing method for a processing task, including a user terminal obtaining a user application and a license application from an application server via a network. The application server transmits information of a user who obtained the user application and the license application to a collection/distribution server.

The collection/distribution server accepts a request for a processing task from a customer terminal via the network. The collection/distribution server divides the processing task into a form which can be distributed and executed in a plurality of user terminals.

The collection/distribution server requests the user terminal to execute the divided processing task based on the user information received from the application server. The license application executes the divided processing task requested from the collection/distribution server by the license application on the user terminal, and sends back a processing result to the collection/distribution server from the user terminal.

The license application provides the user terminal with a license key for the user application installed to the user terminal. The collection/distribution server integrates the processing results of the processing task collected from the user terminals to transmit an

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integrated result to the customer terminal.

Thus, it can be seen that the present invention provides a first feature and a second feature.

The first feature resides in "... *said collection/distribution server dividing said processing task into a form which can be distributed and executed in a plurality of user terminals*", as recited in claims 4, 8, and 17.

This first feature enables the contractor of a complicated computing task to control the cost of capital investment, because the contractor does not need to own expensive computer equipment, since the requested processing task is distributed over a plurality of the user terminals connected to the network.

The second feature resides in "... *said license application executing the divided processing task requested from the collection/distribution server*" and "*said license application providing the user terminal with a license key for the user application installed to the user terminal*", as also recited in claims 4, 8, and 17.

As explained beginning at line 17 on page 2 of the Application, this second feature allows a user at a user terminal a limited license to itself use a specific application without paying the normal license fee charged for that application by permitting his terminal to be used at times as part of a distributed processing system.

The Examiner seemingly continues to miss the significance of this unique form of "on-line bartering" wherein a user terminal will be allowed a pre-agreed-upon license to use a specialized application program in exchange for having agreed to execute either that specialized application program or another application for hire.

## II. THE PRIOR ART REJECTIONS

The Examiner alleges that Suzuki anticipates the present invention as defined by claims 4-11 and, when modified by Downs, renders obvious the invention defined by claims 1-3 and 12-21.

Applicant respectfully disagrees.

The Examiner alleges that Suzuki anticipates claims 4-11. However, Applicant respectfully submits that there are limitations that are clearly neither taught or suggested by Suzuki.

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Suzuki discloses the distributed processing method comprising, in a distributed processing system consisting of one or more client node(s) and server node(s) communicating with each other. As explained at lines 10-34 of column 4, steps performed by each of the client nodes of: the client node itself requesting the server node to process a predetermined task; the client node itself then receiving a program for its own requested predetermined task from the server node for execution in accordance with the content of a response signal returned from the server node in response to the request of the predetermined task; and receiving the result of execution of the program received from the server node or the result of the predetermined task by the server node to acquire the result of the predetermined task.

The steps performed by the server node are: measuring the processing load of the server node; returning at least the response signal which causes the predetermined task to be executed to the client node which requested the predetermined task in response to the measured processing load of the server node; sending a program for the predetermined task to the client node when causing the client node itself to execute its own requested predetermined task; and, alternatively, when the server node itself executes the predetermined task rather than causing the client node to execute its own request, the server nodes sends the execution result back to the client node that requested the predetermined task.

Thus, Suzuki addresses the entirely different concept of whether it is the server node or the client node itself that executes the predetermined task requested by the client node.

In this environment, there clearly is no need to divide the predetermined task down into smaller tasks to be performed by different nodes (e.g., different client nodes). Likewise, there clearly is no need to provide compensation for services rendered by the client node when the client node has itself requested the predetermined task.

Thus, Suzuki clearly fails to even mention either the first feature of the claimed invention wherein a specialized collection/distribution server divides the processing task into a form which can be distributed and executed in a plurality of user terminals or the second feature of a licensed application being executed by the client node. The type of tasks mentioned in Suzuki at, for example, lines 42-47 of column 6 include a database search task and are clearly intended to be tasks that either the server or the requesting client node itself execute, depending upon whether the server is currently too busy to execute the requested

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task. If the server is currently too busy, it notifies the client node to itself execute its own requested task and sends to the client node the appropriate application program for executing that task.

Relative to Downs, this reference discloses computer systems interconnected in a network 10. The network 10 includes a resource requester 12, a resource allocator 17, and a plurality of resource providers 16 interconnected in a networking (Figure 1, column 3, lines 10-14). The resource requester 12 is simply a client that needs computing or processing resources for a task (column 3, lines 19-21). The resource allocator 14 is simply a server that assigns a particular task to one of a plurality of resource providers 16 (column 3, lines 23-25). The resource providers 16 are simply computer systems with resources (e.g., processing power) the at the resource provider 16 is willing to sell to clients, such as the resource allocator 14 and the resource requestor 12 (column 3, lines 25-28).

The resource allocator performs the business function of charging the resource requestor for services performed and paying the resource providers for service rendered (column 2, lines 28-30). The resource allocator offers the resource requestor minimum level of service and a level of guarantee so that the resource requester can select a variety of options that correspond to the client's task, cost, and time requirement (column 2, lines 30-33, column 3, lines 29-55, column 4, line 60 to column 5, line 28).

Therefore, Downs likewise does not mention either the first feature of dividing down a requested task to be distributed to a plurality of user terminals for execution nor the second feature of providing an application license in exchange for having performed the service of executing a requested task.

In terms of the first feature, the Examiner points out in the Final Office Action, "Suzuki teaches a system and method wherein the processing capability of the client node in hardware and software aspects is generally lower than the processing capability of the server node, also resulting in a prolonged response time until the result of the task was obtained. In order to avoid such disadvantages, it is desirable to distribute the processing load between the nodes (P. 7, lines 11-16)."

Applicant submits that the Examiner's understanding is improper hindsight. Suzuki only shows a relation between one client and one server node. Suzuki does not disclose or suggest that one server distributes the processing load over a number of clients' nodes in

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order to avoid the disadvantage.

In terms of the second feature, the present invention comprises the license application in the user terminal having both of the following functions. First is the executing of the divided processing task and second is providing the user terminal with a license key for the user application. Suzuki has, at most, only limited aspects of one of these two functions. Specifically, the client node has or receives a program for executing the requested predetermined task from the server node (column 4, lines 14-15), but does not have a program for providing the client node with a license key for the user application. The Examiner cannot simply ignore the plain meaning of this terminology.

More specifically, in Suzuki, the client does not have a user application. In Downs, the resource provider does not have a user application. Thus, it is not necessary to provide a license key to the client node/resource provider in Suzuki or Downs. Neither reference has the function for providing the user terminal with a license key for the user application installed to the client node/resource provider.

The Examiner points out in the Final Office Action, on page 5 at lines 18-20, "...Downs *et al* teach a distributed processing method wherein the specified service is to provide a license of using a user application... (see column 3 lines 29-55, 4 lines 60-5 line 28)." In Downs, the resource allocator offers resource requestor minimum level of service and a level of guarantee so that clients can select a variety of options that correspond to the client's task, cost and time requirement (column 2, lines 30-33). But, Downs does not disclose that the resource allocator offers the resource provider the user application and the license of that user application. Again, the Examiner cannot simply ignore the plain meaning of this language.

That is, neither Suzuki nor Downs teach or suggest that the server divides a processing task into a plurality of user tasks. The servers cited in both references send a signal and assign a task to one node. That is, neither of these references teach a "... server dividing said processing task into a form which can be distributed and executed in a plurality of user terminals...", as required by claim 4.

Moreover, Applicant submits that the terms "user application", "license application", and "license key" would be considered as terms of art. As such, all these terms, or reasonable equivalents must be found in Suzuki before the Examiner can reasonably consider that

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Suzuki anticipates claim 4.

Applicant submits that the description at lines 8-37 of column 2, lines 13-37 of column 3, and lines 10-34 of column 4 suggest, at most, a “user application”. However, there is no reasonable description of either a “license application” and “license key”, let alone a license key being provided by a license application.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of: “... a user terminal obtaining a user application and a license application from an application server via a network ... said collection/distribution server dividing said processing task into a form which can be distributed and executed in a plurality of user terminals ... said license application executing the divided processing task requested from said collection/distribution server by said license application on said user terminal, and sending back a processing result to said collection/distribution server from said user terminal ... said license application providing the user terminal with a license key for said user application installed to said user terminal...”, as required by claim 4. Claim 8 has similar language.

Relative to claim 5, Applicant submits that there is no suggestion in Suzuki that even the “user application” operates in the background, let alone that a license application operate in the background.

Hence, turning to the clear language of the claims, in Suzuki there is no teaching or suggestion of: “... said license application runs as a background processing on said user terminal”, as required by claim 5.

For the reasons stated above, the claimed invention is fully patentable over the cited references.

Further, the other prior art of record has been reviewed, but it too, even in combination with Suzuki or Downs, fails to teach or suggest the claimed invention.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 3-6, 8-11, and 17, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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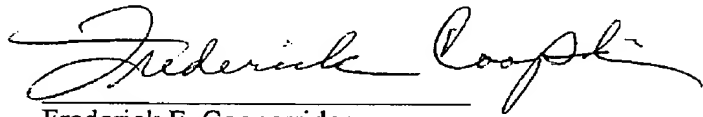
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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 2/2/05

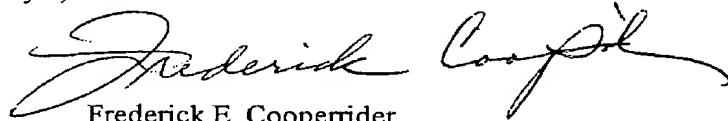


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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 this Amendment under 37 CFR §1.116 to Examiner Backer on February 2, 2005.



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